

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 02-263
ACTION AGAINST)	
)	
Lawrence Soriano)	Notice of Administrative
)	Charges
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.040 requires any material change in information previously submitted in a statement of organization (PDC form C-1) to be reported to the commission and to the appropriate county elections officer within ten days following the change.

RCW 42.17.080 and 42.17.090 require candidates to file reports of contributions and expenditures. The reports must be timely, complete, and accurate. A PDC form C-3, listing contributions received, must be completed for each bank deposit and must be filed monthly, except for the four months preceding an election, when a C-3 must be filed each Friday. A PDC form C-4, summarizing contributions and expenditures, must be filed monthly, except for special reports due 21 and 7 days before each election.

WAC 390-16-105 states in part: “(1) A candidate or candidate's authorized committee, as those terms are defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.060 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditure[s] exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed three thousand five hundred dollars and no contribution or contributions from any [person] other than the candidate within such aggregate exceed three hundred dollars. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.”

WAC 390-16-125 states in part: “Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105 or 390-16-111 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.”

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits an amended C-1, C-3 and C-4 reports and a statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

III. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Lawrence J. Soriano filed a candidate registration form (PDC form C-1) on August 6, 2001 to become a candidate for the office of School Director in Seattle School District No. 1. Mr. Soriano selected Option I, the mini reporting option. By selecting the mini reporting option, Mr. Soriano agreed to accept no more than \$3,500 in contributions, to accept no more than \$300 from any person other than himself, and to limit expenditures to no more than \$3,500, not including his filing fee.

On August 16, 2001, Mr. Soriano made a personal loan of \$3,800 and contributed an additional \$420 to his campaign. On the same date, Elizabeth R. Starkand-Soriano made a loan of \$3,800 to the campaign. On September 5th, Mr. Soriano contributed an additional \$2,100 to his campaign. On August 22 and August 23, 2001, Mr. Soriano's campaign received contributions in excess of the \$300 mini-reporting limit from Donald P. Nielsen and Trebron Company, Inc. for contributions in the amount of \$500 and \$1,000, respectively. On August 22, 2001, the campaign made an expenditure to Moxie Media for \$4,000 after expenditures had already reached \$3,500. This resulted in exceeding the mini-reporting expenditure limits by \$4,000 as of August 16, 2001.

On September 10, 2001, Mr. Soriano sent a letter to the PDC explaining the circumstances of his increased spending and requesting a change to the full reporting option. Mr. Soriano also included a new C-1 form, selecting the full reporting option, and a C-4 report showing the campaign's total contributions and expenditures were \$12,020 and \$11,651 respectively.

On September 11, 2001, Vicki Rippie, Executive Director of the PDC, denied Mr. Soriano's request to change to full reporting. On September 11th, PDC staff member Suemary Trobaugh

notified Mr. Soriano and his treasurer, Darlene Murphy, that the request to change reporting options had been denied. The Soriano campaign stated that all contribution checks in their possession would be returned to the contributors without depositing them in the campaign account. On November 6, 2001, PDC staff confirmed that all contribution checks were returned and that no additional expenditures were made after the request to change to full reporting was denied. Mr. Soriano lost in the Primary election.

IV.

CONCLUSION

Lawrence Soriano selected the mini reporting option when he filed his candidate registration statement on August 6, 2001. By choosing the mini reporting option, Mr. Soriano agreed to accept no more than \$3,500 in contributions, to accept no more than \$300 from any person other than himself, and to limit expenditures to no more than \$3,500, not including his filing fee. Mr. Soriano accepted contributions totaling \$12,020 and made expenditures totaling \$11,652. Mr. Soriano accepted contributions in excess of \$300 from Elizabeth R. Starkand-Soriano (\$3,800), Donald P. Nielsen (\$500), and Trebron Company, Inc. (\$1,000).

Staff alleges, based on the facts specified in Section III, and on WAC 390-16-125(4), that Lawrence Soriano violated RCW 42.17.040 by failing to change to the full reporting option prior to August 16, 2001.

Staff alleges, based on the facts specified in Section III, that Lawrence Soriano violated RCW 42.17.080 and 42.17.090 and WAC 390-16-105 by accepting contributions totaling \$12,020 and making expenditures totaling \$11,651, in excess of the \$3,500 mini reporting limit, and by accepting contributions from one source in excess of the \$300 mini reporting limit.

RESPECTFULLY SUBMITTED this 20th day of November, 2001.

_____/s/

Lawrence Soriano
Notice of Administrative Charges – Case No. 02-263
Page 5

Philip E. Stutzman
Director of Compliance